



# FACSIMILE

DATE: May 21, 2004

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## OFFICIAL PAPER

99804

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Examiner: **Sonya N. Wright**

U.S.P.T.O. Group Art Unit: **1626**

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U.S. Serial No.: **09/648,306**

Client/Matter No.: **UPN-3904**

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### COVER MESSAGE:

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Attached hereto is/are the following documents:

- 1) Reply Transmittal Letter
- 2) Reply Pursuant to 37 CFR § 1.116

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DOCKET NO.: UPN-3904

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Koch, et al.

Application No.: 09/648,306

Filing Date: August 25, 2000

For: Detection Of Hypoxia

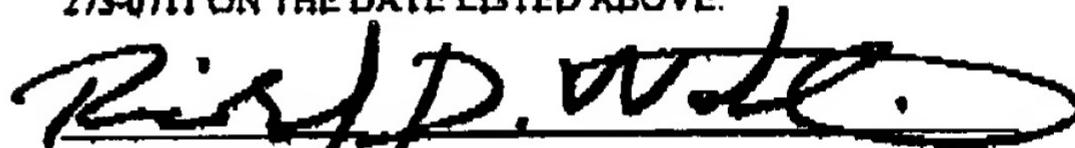
Confirmation No.: 6906

Group Art Unit: 1626

Examiner: Sonya N. Wright

**CERTIFICATE OF FACSIMILE TRANSMISSION**

DATE May 21, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE PATENT AND  
TRADEMARK OFFICE TO FACSIMILE NUMBER 571-  
273-0711 ON THE DATE LISTED ABOVE.

Richard D. Watkins REG NO 50,993

 MS Amendment  MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TRANSMITTAL LETTER**

- A Preliminary Amendment.
- A Reply Responsive to the Office Action Dated November 20, 2002.
- A Reply Supplemental to the Paper filed
- A Substitute Specification (pages 1 - ) in clean form.
  - A substitute specification (pages 1 - ) with markings.
- An Abstract is enclosed.
- replacement sheets of drawings are enclosed comprising figures .
- Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- Petition is hereby made to accept drawing(s)/photograph(s) in this case.

DOCKET NO.: UPN-3904

**PATENT**

- Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- A Certified Copy of each of the following applications: \_\_\_\_\_ is enclosed.
- An Associate Power of Attorney is enclosed.
- Information Disclosure Statement.
  - Attached Form 1449.
  - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- A Terminal Disclaimer is attached.
- Appendices as follows:
- Other
- No Additional Fee is Due.
- Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as \_\_\_\_\_
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

DOCKET NO.: UPN-3904

PATENT

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	Fee	RATE	Fee
TOTAL CLAIMS	9	(20 MINIMUM) 32	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	1	(3 MINIMUM) 2	0	\$43 EACH	\$0	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$0	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$0	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$0	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$0	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$0	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0)	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:				0			
TOTAL FEE DUE				\$0			\$

- A check in the amount of \$ .00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of .00. This sheet is attached in duplicate.
- Pention is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).

DOCKET NO.: UPN-3904

PATENT

- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: May 21, 2004



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Registration No. 50,993

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DOCKET NO.: UPN-3904  
Application No.: 09/648,306  
Office Action Dated: November 20, 2002

PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
**Koch, et al.**  
Application No.: **09/648,306**  
Filing Date: **August 25, 2000**  
For: **Detection of Hypoxia**

Confirmation No.: **6906**

Group Art Unit: **1626**  
Examiner: **Sonya N. Wright**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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TRADEMARK OFFICE TO FACSIMILE NUMBER 571  
273-0711 ON THE DATE LISTED ABOVE



Richard D. Watkins, Esq. REG NO 50,993

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY PURSUANT TO 37 CFR § 1.116**

In response to the Official Action dated November 20, 2002, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- Amendments to the Specification begin on page \_\_\_\_\_ of this paper.
- Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.
- Amendments to the Drawings begin on page \_\_\_\_\_ of this paper and include an attached replacement sheet.
- Remarks/Arguments begin on page 3 of this paper.